

REMARKS

In the outstanding Office Action, the Examiner has rejected claims 1, 2, 4-10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. in view of Jones and Kato et al. The Examiner has rejected claim 3 based upon this same combination further in view of Bartels. The Examiner also rejected claims 11-13 based upon the same original combination further in view of Burian et al. Claims 19 and 21-23 were also rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Bartels; and claims 20 and 24-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartels in view of Burian et al.

Applicant respectfully submits that the cited references, alone or in combination, do not disclose or teach a personal watercraft or seal according to the invention as claimed. Yamada discloses seals 156, 178 around the perimeter of access openings but seals 156, 178 does not have top and side portions. The purpose of seals 156, 178 is to “inhibit influx of water” into the containers 142, 168 and does not serve to cover or prevent contact with an exposed edge of an access opening of a personal watercraft or other structure or to form a watertight seal between a seal and a storage compartment resting thereon. The storage compartments of Yamada are attached to the interior surface or inner wall of the deck below access openings and the interface between the storage compartment and the deck is sealed with a sealing sheet 146 along the inner wall of the deck. Even if it were accepted for the sake of argument that Jones disclosed a U-shaped seal and that Kato et al. disclosed a seal member with a mechanical fastener; the Examiner has provided no motivation for substitution of a seal according to Jones and/or Kato et al. for either seals 156, 178 or sealing sheet 146 of Yamada. Applicant submits that the combination and any rejections based, in whole or in part, upon Yamada et al. in view of

Jones and Kato et al. are improper. Further, the basis for an rejections based upon Bartels alone or in combination with Burian et al. is not clear to Applicant.

Nonetheless, while Applicant believes that the cited references, whether alone or in combination, do not disclose or teach the personal watercraft or seal of the claimed invention, Applicant has amended the claims solely to advance the prosecution of this application and to obtain allowance of allowable claims at the earliest possible date. Therefore, no admission may be inferred by the amendments to the claims herein and Applicant reserves the right to prosecute originally filed claims in later continuing applications.

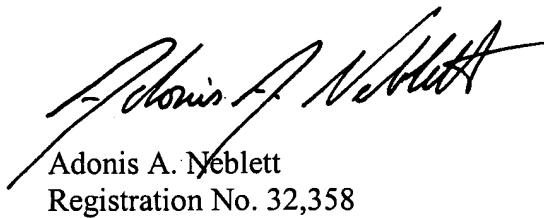
The Examiner has indicated that the subject matter of claims 16-18 was allowable if re-written in independent. Applicant has incorporated the limitations of claim 18 into claim 1 and cancelled claim 18. For purposes of consistency, Applicant also made a parallel amendment to claim 19, reciting “the gasket being further configured to form a water tight seal when a storage compartment having a flange is disposed in the access opening with the flange resting on the gasket.” Clarifying amendments were made to claims 16 and 17 which depend from amended claim 1. With the amendment of claim 1, recitation of a container or a storage compartment having a flange in claim 16 and 17 was redundant and has been deleted. These claims were further revised to clarify that the watercraft has “a cover seal,” as referenced in the specification, rather than “an upper container seal.” New claims 32 and 33 have been added and recite that the storage compartment is removable. Applicant submits that no new matter is introduced by the amendments to the claims and that the amendments are supported by the specification and application as a whole.

In light of the above, Applicant submits that each of claims 1 and 19 and all claims depending therefrom (claims 2-17 and 20-32) are in condition for allowance. As these are

the only claims pending in the application, it is submitted that the application is in condition for allowance and favorable consideration and prompt allowance of the present application is respectfully requested.

If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,



Adonis A. Neblett
Registration No. 32,358

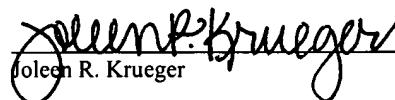
Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7049
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

July 22, 2004
Date of Deposit



Joleen R. Krueger